

ROBERT NEWSOME,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

No. 1:20-cv-01050-STA-jay

## ORDER DIRECTING UNITED STATES TO RESPOND TO § 2255 PETITION

On March 4, 2020, Petitioner Robert Newsome filed a *pro se* motion to vacate, set aside, or correct his sentence (the “Petition”), pursuant to 28 U.S.C. § 2255. (ECF No. 1.) The Petition is before the Court for preliminary review.

Newsome asserts that his defense attorney provided ineffective assistance in two respects. He alleges in Claim 1 that counsel had a conflict of interest at the time he advised Petitioner to accept the Government's plea offer. (*Id.* at 4.) He asserts in Claim 2 that counsel failed at the plea stage to anticipate the Sixth Circuit's decision in *United States v. Havis*, 927 F.3d 382 (6th Cir. 2019) (en banc) (per curiam). (*Id.*)

Respondent United States of America is **ORDERED** to file a response to the Petition within twenty-eight days from the date of this order. *See Rules Governing Section 2255 Proceedings for the United States District Courts* (“Habeas Rules”), Rule 5(a).

Petitioner may, if he chooses, submit a reply to Respondent's answer or response within twenty-eight days of service. *See* Habeas Rule 5(d). Petitioner may request an extension of time

to reply by filing a motion on or before the due date of his reply.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
CHIEF UNITED STATES DISTRICT JUDGE

Date: March 10, 2020